

**REMARKS**

The present amendment is in response to the Office Action dated March 12, 2004, where the Examiner has rejected claims 1-15. By the present amendment, claims 5 and 10 have been cancelled without prejudice, claims 1-3 and 6-9 have been amended, and claim 16 has been added. Accordingly, claims 1-4, 6-9 and 11-16 are pending in the present application. Reconsideration and allowance of pending claims 1-4, 6-9 and 11-16 in view of the amendments and the following remarks are respectfully requested.

**A. Rejection of Claims 1, 3, 4, 6, 7, 14 and 15 under 35 U.S.C. §102.**

The Examiner has rejected claims 1, 3, 4, 6, 7, 14 and 15 under 35 U.S.C. §102(e), as being anticipated by USPN 6,437,709 to Hao (hereinafter "Hao '709"). Applicant respectfully disagrees; however, in order to expedite the prosecution of the present application, applicant has amended independent claims 1 and 6, as discussed further below. For the reasons that follow, applicant respectfully submits that claims 1-4, 6-9 and 11-16 are patentably distinguishable over Hao '709.

As amended, independent claim 1 specifies a mobile handset keypad comprising, among other things, at least one integral navigation and alphanumeric key and at least one illumination source proximate to the at least one integral navigation and alphanumeric key. Amended claim 1 further specifies that the at least one illumination source is configured to illuminate based on the at least one integral navigation and alphanumeric key being in one of a navigation mode and an alphanumeric mode. Independent claim 6 has been amended to specify similar

limitations. As explained in the specification, this particular arrangement is beneficial for purposes of indicating the mode of operation to the user. See, e.g., page 5, lines 10-18 of the present application.

In contrast, the disclosure of Hao '709 fails to disclose or remotely suggest the mobile handset keypad defined by claims 1 and 6. Instead, Hao '709 is directed to a simplified keyboard input device wherein letters and symbols are particularly assigned or "coded" to keys of the keypad input device to facilitate English input. Although the keyboard input device of Hao '709 provides that the keys are also capable of control functions, such as "up" and "down," Hao '709 employs traditional techniques for identifying the state of the keyboard input device. For example, each of Figures 5-15 of Hao '709 depicts indicators situated on the periphery of the device, which are not proximate to a multi-functional key. This technique is consistent with conventional key mode indicators as depicted in the full size keyboards of Figures 16 and 17 in Hao '709. Such an arrangement, however, obscures the ability of the user to distinguish the mode of operation of the multi-functional key, whereas according to claims 1 and 6, the at least one illumination source is proximate to the at least one integral navigation and alphanumeric key and is further configured to illuminate based on the at least one integral navigation and alphanumeric key being in one of a navigation mode and an alphanumeric mode. As such, Hao '709 fails to disclose or suggest the mobile handset keypad of claims 1 and 6.

Accordingly, applicant respectfully submits that independent claim 1, and its corresponding dependent claims 2-4, and independent claim 6, and its corresponding

dependent claims 7-9 and 11-16, are patentably distinguishable over Hao '709, and, therefore, claims 1-4, 6-9 and 11-16 should now be allowed.

**B. Rejection of Claims 2, 5 and 8-13 Under under 35 U.S.C. §103.**

The Examiner has further rejected claims 2, 5 and 11-13 under 35 U.S.C. §103(a) as being unpatentable over Hao '709 in view of USPN 6,463,278 to Karft, et al. (hereinafter "Kraft '278"). Applicant respectfully disagrees; however, in order to expedite the prosecution of the present application, applicant has cancelled claim 5 without prejudice. As discussed above, independent claims 1 and 6 are patentably distinguishable over Hao '709 and, as such, claim 2 depending from independent claim 1, and claims 11-13 depending from independent claim 6 are, a fortiori, also patentably distinguishable over Hao '709. Furthermore, the disclosure of Kraft '278 fails to cure the basic deficiencies of Hao '709. For example, the Examiner has cited Kraft '278 as only disclosing "automatically changing between modes." As such, the combined references of Hao '709 and Kraft '278 cannot result in the device specified by claims 2 and 11-13. Accordingly, claims 2 and 11-13 should now be allowed.

The Examiner has further rejected claims 8 and 9 under 35 U.S.C. §103(a) as being unpatentable over Hao '709 in view of USPN 6,006,118 to Stephenson (hereinafter "Stephenson '118"). As discussed above, independent claim 6 is patentably distinguishable over Hao '709 and, as such, claims 8 and 9 depending from independent claim 6, are, a fortiori, also patentably distinguishable over Hao '709. Furthermore, the disclosure of Stephenson '118 fails to cure the basic deficiencies of Hao '709. By way of clarification, the Examiner has cited Stephenson '118 as only

disclosing “a backlighting panel that illuminates the keys.” With reference to the Stephenson ‘118 disclosure, the Stephenson ‘118 arrangement addresses the need for decreased components for handsets with interchangeable faceplates. See, e.g., the Background section of Stephenson ‘118. Stephenson ‘118, however, only describes general backlighting, that is, illumination of keys for visibility in dim conditions. As such, Modifying the Hao ‘709 device with the backlighting arrangement of Hao ‘709 would provide general backlighting capability for the Hao ‘709 device, but would not provide at least one illumination source proximate to the at least one integral navigation and alphanumeric key which is configured to illuminate based on the at least one integral navigation and alphanumeric key being in one of a navigation mode and an alphanumeric mode, as specified by claim 6.

Moreover, there support is no support in the disclosures of Hao ‘709 and Stephenson ‘118 to modify the Hao ‘709 device as suggested by the Examiner. Instead, Hao ‘709 specifically depicts traditional techniques for identifying the keyboard mode by employing indicators on the periphery of the keyboards, as discussed above. It is only with resort to the present applicant’s disclosure that such a suggestion can be derived, which is well-established impermissible hindsight reconstruction: “To imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art reference or references of record convey or suggest that knowledge, is to fall victim to the insidious effect of hindsight syndrome where that which only the inventor taught is used against its teacher” (W.L. Gore & Assocs., Inc. v. Garlock, Inc., 721 F.2d 1540, 1553 (Fed. Cir. 1983)) (emphasis added). For all the foregoing, the combined

references of Hao '709 and Stephenson '118 cannot result in the device specified by claims 8 and 9. Accordingly, claims 8 and 9 should now be allowed.

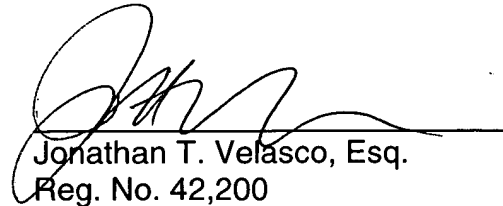
The Examiner has further rejected claim 10 under 35 U.S.C. §103(a) as being unpatentable over Hao '709 in view of USPN 6,125,287 to Cushman, et al. (hereinafter "Cushman '287"). Applicant respectfully disagrees; however, in order to expedite the prosecution of the present application, applicant has cancelled claim 10 without prejudice, rendering the rejection of claim 10 moot.

**C. Conclusion.**

For all the foregoing reasons, allowance of claims 1-4, 6-9 and 11-16 pending in the present application is respectfully requested.

Respectfully Submitted;

Dated: 6/8/04

  
Jonathan T. Velasco, Esq.  
Reg. No. 42,200

Jonathan T. Velasco, Esq.  
Kyocera Wireless Corp.  
10300 Campus Point Drive  
San Diego, California 92121  
Tel: (858) 882-3501  
Fax: (858) 882-2485

<u>CERTIFICATE OF MAILING</u>
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
Date of Deposit: <u>6/8/04</u>
<u>Jonathan T. Velasco</u>
Name of Person Mailing Paper and/or Fee
Signature 